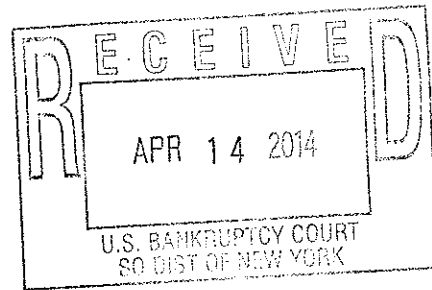


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Attorneys for Creditor Clifford Lantz

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:)	Case No. 12-12020 (MG)
)	
Residential Captial, LLC, et. al.)	Chapter 11
)	
Debtors.)	Jointly Administered
)	

**CLIFF LANTZ'S MOTION FOR RELIEF FROM THE
AUTOMATIC STAY PURSUANT TO § 362 AND § 1301**

Clifford Lantz ("Lantz"), pursuant to Rule 4001 Bankruptcy Rules and Local Rule 4001-1, respectfully moves this Court for an Order granting relief from the automatic stay imposed by 11 U.S. C. §362 as to certain property described herein and the stay imposed by 11 U.S.C. § 1301 to allow it to enforce its legal rights and lawsuit against Homecomings Financial, and represents as follows:

1. Lantz is an individual residing in the State of Utah.
2. Debtor, Homecomings Financial is a fictitious entity consolidated in this jointly administered bankruptcy case.
3. Debtor filed a petition in this court under Chapter 11 of the Bankruptcy Code.
4. On October 17, 2006 Lantz filed a complaint against Homecomings Financial

in the Third District Court, Salt Lake County, Salt Lake Department, State of Utah alleging claims sounding in Breach of Contract, Breach of Good Faith and Fair Dealing, Negligent Infliction of Emotional Distress, and Preliminary Injunctions. Attached hereto and incorporated herein by this reference as Exhibit "A" is a true and correct copy of the same.

5. On March 1, 2010, the Third District Court Ordered that Debtor was liable to Plaintiff for breach of contract and for attempting to foreclose on Lantz' property leaving only the issue of damages to be determined at trial. Attached hereto and incorporated herein by this reference as Exhibit "B" is a true and correct copy of the same.
6. All of these issues were determined by a court of equity in the State of Utah, prior to Homecomings Financial filing for bankruptcy relief under chapter 11 of the Code.
7. Lantz now desires to lift the automatic stay to proceed to trial on his claims for damages.
8. Lantz seeks an equitable remedy at this point, to have the mortgage of Homecomings Financial nullified through the Third District Court in lieu of collecting an amount of money since the Debtor has filed for bankruptcy relief.

FIRST CLAIM FOR RELIEF

9. The Debtor has claimed a security interest in the real property owned by Lantz.
10. Lantz is entitled to proceed forward to trial in the Third District Court case in

the State of Utah.

11. Debtor has no value in Lantz' real property as the Third District Court has already determined liability on the part of the Debtor.

SECOND CLAIM FOR RELIEF

12. The estimated damages in the Lantz case outweigh the amount of money that Homecomings Financial claims is due to it by Lantz.
13. Lantz has filed a proof of claim in the amount of \$590,000.
14. Homecomings Financial has a lien against Lantz' real property in the amount of approximately \$150,000.00.
15. Lantz will be irreparably harmed by continuation of the automatic stay as to the Debtor preventing Lantz from proceeding forward in the litigation case in the Third District Court.
16. Lantz is entitled to the release of the Homecomings Financial lien against his real property and to obtain the equitable relief he seeks in the Third District Court.

WHEREFORE, Lantz moves this honorable Court as follows:

1. For its order lifting the automatic stay pursuant to 11 U.S.C § 362 to permit Lantz to proceed forward to trial on the merits in the Third District Court case and realize his equitable remedies and to give all notices and take such action as is necessary to perfect his rights to his real property and the litigation case in the Third District Court, State of Utah.
2. For its order lifting the automatic stay pursuant to 11 U.S.C. § 1301 to allow it to pursue its claims against the Debtor Homecomings Financial to the extend provided by law, and

specifically to allow it to remove the lien or other encumbrance by Debtor, its successors or assigns.

3. For such other and further relief as the Court deems just.

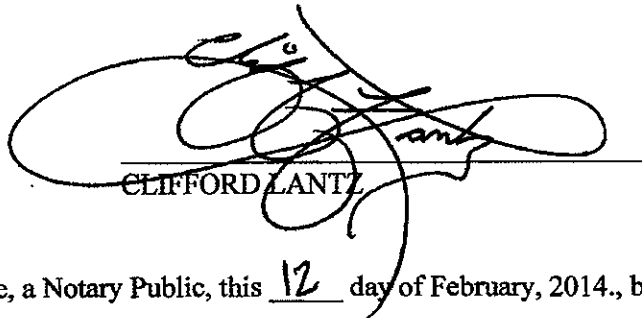
DATED this 4th day of February, 2014.

EVELAND & ASSOCIATES, PLLC

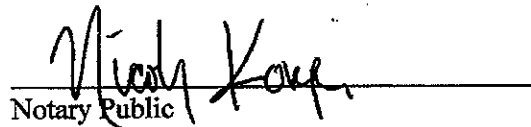
/s/Jared B. Pearson
Jared B. Pearson, JD
Attorney for Lantz

VERIFICATION

The undersigned, Clifford Lantz, creditor herein, verifies that he has read the foregoing document, knows the contents thereof, and affirms that the same are true and accurate, to the best of his knowledge, information, and belief.


CLIFFORD LANTZ

Subscribed and sworn to before me, a Notary Public, this 12 day of February, 2014., by
CLIFFORD LANTZ, known personally to me or whose identity was shown by satisfactory proof.


Notary Public

[seal]

